

MESSAGE NO: 3343203 MESSAGE DATE: 12/09/2003

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-357-812

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/11/2001 TO 11/30/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR RESCINDED NEW SHIPPER OF HONEY FROM ARGENTINA (A-357-812)

MESSAGE NO: 3343203

DATE: 12 09 2003

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 357 - 812

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PERIOD COVERED: 05 11 2001 TO 11 30 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR RESCINDED NEW SHIPPER OF HONEY FROM ARGENTINA (A-357-812)

1. ON FEBRUARY 6, 2003, THE DEPARTMENT OF COMMERCE INITIATED A NEW SHIPPER REVIEW OF THE ANTIDUMPING DUTY ORDER ON HONEY FROM ARGENTINA (A-357-812) FOR NUTRIN S.A. FOR THE PERIOD 05/11/2001 THROUGH 11/30/2002 (68 FR 6114).

2. WHEN IT INITIATED THIS NEW SHIPPER REVIEW, COMMERCE ASSIGNED A-

357-812-004 AS THE SPECIFIC CASE NUMBER IN THE AD/CVD MODULE FOR

THE PRODUCER/EXPORTER COMBINATION OF APICULTURA MONICA GARCIA/ NUTRIN S.A. (SEE MESSAGE NUMBER 3125201, DATED 05/05/2003). THE AUTOMATIC LIQUIDATION INSTRUCTIONS FOR THE ANTIDUMPING DUTY ORDER ON HONEY FROM ARGENTINA (A-357-812) FOR THE PERIOD 05/11/2001 THROUGH 11/30/2002 SPECIFICALLY EXCLUDES ALL ENTRIES FOR NUTRIN S.A. (SEE MESSAGE NUMBER 3211201, DATED 07/30/2003). ON OCTOBER 9, 2003, COMMERCE RESCINDED THE NEW SHIPPER REVIEW FOR NUTRIN (68 FR 58305).

3. BECAUSE IT RESCINDED THE NEW SHIPPER REVIEW, COMMERCE DID NOT CALCULATE A FINAL COMPANY-SPECIFIC CASH DEPOSIT RATE FOR NUTRIN. THEREFORE, FOR SHIPMENTS OF HONEY FROM ARGENTINA EXPORTED BY NUTRIN S.A. AND PRODUCED BY APICULTURA MONICA GARCIA AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AFTER 10/09/2003, THE CASH DEPOSIT RATE CONTINUES TO BE THE ALL OTHER RATE. THIS RATE IS 30.24 PERCENT. FURTHERMORE, EFFECTIVE 10/09/2003, IMPORTERS MAY NO LONGER POST A BOND OR OTHER SECURITY IN LIEU OF A CASH DEPOSIT ON IMPORTS OF HONEY EXPORTED BY NUTRIN S.A. AND PRODUCED BY APICULTURA MONICA GARCIA.

4. IN ACCORDANCE WITH 19 CFR 351.212(c), FOR SHIPMENTS OF HONEY FROM ARGENTINA PRODUCED/EXPORTED BY NUTRIN S.A. AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/11/2001 THROUGH 11/30/2002, YOU ARE TO ASSESS ANTIDUMPING DUTIES AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT TIME OF ENTRY.

5. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF HONEY FROM ARGENTINA PRODUCED/EXPORTED BY NUTRIN S.A. DURING THE PERIOD 05/11/2001 THROUGH 11/30/2002.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST

PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G3O8:SB).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party